

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

Civil Action No. _____

24MC34



**IN RE MISSION HEALTH
ANTITRUST LITIGATION**

**W.D.N.C. Civil Action No.:
1:22-cv-00114-MR**

**DEFENDANTS' MOTION TO TRANSFER
SUBPOENA-RELATED MOTION**

Pursuant to Rule 45(f) of the Federal Rules of Civil Procedure, Defendants HCA Healthcare, Inc., HCA Management Services, LP, HCA, Inc., MH Master Holdings, LLLP, MH Hospital Manager, LLC, and MH Mission Hospital, LLLP (collectively, the “HCA Defendants”) and ANC Healthcare, Inc. (formerly known as Mission Health System, Inc.) and Mission Hospital, Inc. (collectively, the “ANC Defendants” and together with the HCA Defendants, the “Defendants”), by and through the undersigned counsel, respectfully move the Court to transfer their Motion to Compel Non-Party Blue Cross Blue Shield of North Carolina to Produce Data and Documents to the issuing court in the Western District of North Carolina, Civil Action No. 1:22-cv-00114.

In support of Defendants’ Motion to Transfer and pursuant to Local Rule 7.2, Defendants file concurrently herewith their Brief in Support of Defendants’ Motion to Transfer Subpoena-Related Motion.

WHEREFORE, Defendants respectfully request that the Court transfer their Motion to Compel Non-Party Blue Cross Blue Shield of North Carolina to Produce Data and Documents to the United States District Court for the Western District of North Carolina, Civil Action No. 1:22-cv-00114, for Chief District Court Judge Martin Reidinger for consideration and disposition.

Dated: December 23, 2024

Respectfully Submitted,

/s/ Phillip T. Jackson

Phillip T. Jackson (N.C. Bar No. 21134)
John Noor (N.C. Bar No. 43102)
David Hawisher (N.C. Bar No. 55502)
ROBERTS & STEVENS, PA
P.O. Box 7647
Asheville, NC 28802
Phone: (828) 252-6600
pjackson@robertsstevens.com
jnoor@roberts-stevens.com
dhawisher@roberts-stevens.com

Counsel for the HCA Defendants

/s/ Dana C. Lumsden

Dana C. Lumsden (N.C. Bar No. 32497)
Hanna E. Eickmeier (N.C. Bar No. 54927)
BRADLEY ARANT BOULT CUMMINGS
LLP
214 North Tryon Street, Suite 3700
Charlotte, NC 28202
Telephone: 704-338-6034
Facsimile: 704-332-8858
dlumsden@bradley.com
heickmeier@bradley.com

Jonathan H. Todt (N.C. Bar No. 52952)
FAEGRE DRINKER BIDDLE & REATH
LLP
1500 K Street, NW, Suite 1100
Washington, D.C. 20005
Telephone: 202-842-8800
Facsimile: 202-842-8465
jonathan.todt@faegredrinker.com

Counsel for the ANC Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing *Defendants'* *Motion to Transfer* was filed via Federal Express and served via e-mail upon counsel for non-party Blue Cross Blue Shield of North Carolina and all counsel of record in *In Re Mission Health Antitrust Litigation*, 1:22-cv-00114 as follows:

James M. Burns
WILLIAMS MULLEN
8350 Broad Street, Suite 1600
Tysons, VA 22102
jmburns@williamsmullen.com

Counsel for BCBSNC

Brendan P. Glackin
Dean M. Harvey
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, Suite 2900
San Francisco, CA 94111
bglackin@lchb.com
dkharvey@lchb.com

Daniel E. Seltz
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
dseltz@lchb.com

Robert N. Hunter, Jr.
Fred Berry
John F. Bloss
HIGGINS BENJAMIN, PLLC
301 North Elm Street, Suite 800
Greensboro, NC 27401
rnhunterjr@greensborolaw.com
fberry@greensborolaw.com
jbloss@greensborolaw.com

Robert E. Litan
Daniel J. Walker
BERGER MONTAGUE PC
1001 G Street, NW
Suite 400 East
Washington, DC 20001
rlitan@bm.net
dwalker@bm.net

Eric L. Cramer
Andrew C. Curley
Jacob M. Polakoff
Julia R. McGrath
J. Taylor Hollinger
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
ecramer@bm.net
acurley@bm.net
jpolakoff@bm.net
jmcgrath@bm.net
thollinger@bm.net

Counsel for Plaintiffs

This the 23rd day of December, 2024.

BRADLEY ARANT BOULT CUMMINGS LLP

By: /s/ Dana C. Lumsden
Dana C. Lumsden